

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Giselle Fritz f/k/a Giselle Carter	§	
Evan Davis	§	Case No.: <u>1:11-cv-03300-FB-VVP</u>
Jason Spiegel-Grote	§	
On behalf of themselves and all others	§	
similarly situated	§	
Plaintiffs	§	
v.	§	
Resurgent Capital Services, LP	§	
LVNV Funding, LLC	§	
Alegis Group, LLC	§	
Mel S. Harris And Associates, LLC	§	
David Waldman	§	
Resurgent Capital Services, LLC	§	
Defendants		

**Notice of Plaintiffs' Unopposed Motion for Final Approval Of Settlement Agreement, And
Application For Attorneys' Fees And Costs And Class Representative's Incentive Awards**

PLEASE TAKE NOTICE, that upon the Declarations of Ahmad Keshavarz, dated September 5, 2016, and the exhibits attached thereto, together with the accompanying memoranda of law, and upon all prior pleadings and papers heretofore had herein, the undersigned counsels for Plaintiffs will move this Court on September 9, 2016, before the Honorable Judge Frederic Block, at the United States Courthouse for the Eastern District of New York, located at 225 Cadman Plaza East, Brooklyn, New York, for an Order:

(1) Of Final Approval certifying the following proposed class and subclasses pursuant Fed.R.Civ.P. 23(a), 23(b)(2), and 23(b)(3). The class and the three subclasses consist of all persons who, according to Defendants' records, have addresses, or who during the Class Period had addresses, within New York State, and who fall into the categories listed below. The principal class is the Credit Reporting Class, which contains as subclasses, the Misidentification Subclass, the Lack of Standing Subclass, and the Unlicensed Subclass.

- a. The “**Credit Reporting Class**” contains persons who had a lawsuit filed against them by any of the Defendants where the amount of a debt reported to any Credit Reporting Agency included an amount for costs that was not awarded by a court in an underlying action to collect the debt.
- b. The “**Misidentification Subclass**” contains persons in the Credit Reporting Class to whom Defendants either sent a written communication (including pleadings) that stated that Resurgent Capital Services, LLC was the purchaser and assignee of a debt claimed against the person; or to whom Defendants sent a written communication that was materially identical or substantially similar to the May 27, 2010 letter sent to Plaintiff Giselle Fritz f/k/a Giselle Carter (DE 1 p. 36, of the Action).
- c. The “**Lack of Standing Subclass**” contains persons in the Credit Reporting Class who had a lawsuit filed against them in a New York Court by Resurgent Capital Services, LLC to collect a debt in which it was alleged that Resurgent Capital Services, LLC was the purchaser, owner or assignee of, or owned or retained all beneficial rights and interests in the debt.
- d. The “**Unlicensed Subclass**” contains persons in the Credit Reporting Class who had a lawsuit filed against them by Defendants to collect a Debt that listed on the complaint a debt collection license number other than that of the plaintiff named in that lawsuit.

The class period begins on July 8, 2008 for the Credit Reporting Class and April 16, 2009 for the Misidentification, Lack of Standing, and Unlicensed Subclasses, and ends on the date of Preliminary Approval for the class and subclasses.

- (2) Awarding attorney’s fees and costs to Class Counsel Ahmad Keshavarz of the Law Offices of Ahmad Keshavarz, Charles M. Delbaum of the National Consumer Law Center, Inc., and Matthew Schedler of CAMBA Legal Services, Inc.;;
- (3) Approving Class Representative’s incentive awards;
- (4) Issuing a Final Order and Judgment; and
- (5) Granting the parties to this action and the Class such other and further relief as this Court may deem just and proper.

Dated: September 5, 2016
Brooklyn, New York

Respectfully submitted,

/s/

Ahmad Keshavarz
THE LAW OFFICES OF AHMAD KESHAVARZ
16 Court St., 26th Floor
Brooklyn, NY 11241-1026
Phone: (718) 522-7900
Fax: (877) 496-7809 (toll-free)
Email: ahmad@NewYorkConsumerAttorney.com

NATIONAL CONSUMER LAW CENTER, INC.
Charles M. Delbaum, Esq. (admitted pro hac vice)
7 Winthrop Square, 4th floor
Boston, MA 02110
617-542-8010
617-542-8028 Fax
cdelbaum@nclc.org

CAMBA LEGAL SERVICES, INC.
Matthew Schedler, Of Counsel (MS-3774)
Kathleen A. Masters, Executive Director
885 Flatbush Ave. 2nd Fl.
Brooklyn, NY 11226
Phone: (718) 940-6311
MatthewSc@camba.org

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Defendants Mel S. Harris and Associates, LLC and
David Waldman by and through their attorneys of record
Brett A. Scher, Esq.
Yale Pollack, Esq.
Kaufman Dolowich Voluck & Gonzo LLP
135 Crossways Park Drive, Suite 201
Woodbury, NY 11797
Phone: (718) 940-6311

Defendants Resurgent Capital Services, LP;
LVNV Funding, LLC and
Alegis Group, LLC by and through their attorneys of record
Adam Swanson, Esq.
Kenneth Bressler, Esq.
BLANK ROME LLP
405 Lexington Avenue
New York, NY 10174

Phone: (212) 885-5000

Date: September 5, 2016
Brooklyn, NY

/s/

Ahmad Keshavarz

One of Plaintiffs' Attorneys